



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/295,323	04/20/1999	YOSHIHIRO HONMA	B208-1031	7044

26272 7590 04/20/2005

COWAN LIEBOWITZ & LATMAN P.C
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
1133 AVE OF THE AMERICAS
NEW YORK, NY 10017

EXAMINER

HANNETT, JAMES M

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/295,323	Applicant(s) HONMA, YOSHIHIRO	
	Examiner James M Hannett	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,8,9,12,29,34-43 and 45-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,8,9,12,34-43,49-52,54-63 and 65 is/are allowed.
- 6) ☒ Claim(s) 29,45,53 and 64 is/are rejected.
- 7) ☒ Claim(s) 46-48 and 66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/10/2005 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 29 and 45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1: Claims 29, 45, 53 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,583,568 Suga et al.

2: As for Claim 29, Suga et al teaches on Column 5, lines 58-67 and depicts in Figure 11 a signal processing apparatus which processes a signal outputted from an image pickup element (101) having filters arranged to use plural kinds of colors Figure (2), comprising: a color-suppression circuit (1), provided for primary color signals or complimentary color signals obtained from the image pickup element (101), for color suppressing the primary color signals or

Art Unit: 2612

the complementary color signals in accordance with the level of luminance signal; and a gamma-correction circuit (303) which gamma-corrects the output signals suppressed by the suppression circuit (1). Suga et al teaches that the image data output from the image sensor is color suppressed in accordance with the level of luminance in the luminance step correction circuit (1). Furthermore, Suga et al depicts in Figure 11 that the output of the Suppression circuit is input to the gamma correction circuit (303)

3: In regards to Claim 45, Suga et al teaches on Column 5, lines 58-67, Column 2, Lines 49-50 and depicts in Figure 11 a signal processing apparatus which processes a signal outputted from an image pickup element (101) having filters arranged to use plural kinds of colors (Figure 2), comprising: a color-suppression circuit (1), provided for primary color signals or complementary color signals obtained from the image pickup element (101), for color suppressing the primary color signals or the complimentary color signals in accordance with the level of luminance signal; and a color-difference signal forming circuit (311) for converting the output signals color-suppresses by the color suppression circuit (1) into color-difference signals (311). Suga et al teaches that the image data output from the image sensor is color suppressed in accordance with the level of luminance in the luminance step correction circuit (1). Furthermore, Suga et al depicts in Figure 11 that the output of the suppression circuit is input to the color-difference signal forming circuit (311).

4: As for Claim 53, Suga et al teaches on Column 5, lines 58-67 and depicts in Figure 11 a signal processing method which processes a signal outputted from an image pickup element (101) having filters arranged to use plural kinds of colors Figure (2), comprising: a color-suppressing (1) primary color signals or complimentary color signals obtained from the image

Art Unit: 2612

pickup element (101) in accordance with the level of luminance signal; and gamma-correcting (303) the output signals suppressed in the color suppression step (1). Suga et al teaches that the image data output from the image sensor is color suppressed in accordance with the level of luminance in the luminance step correction circuit (1). Furthermore, Suga et al depicts in Figure 11 that the output of the Suppression circuit is input to the gamma correction circuit (303).

5: In regards to Claim 64, Suga et al teaches on Column 5, lines 58-67, Column 2, Lines 49-50 and depicts in Figure 11 a signal processing method which processes a signal outputted from an image pickup element (101) having filters arranged to use plural kinds of colors Figure (2), comprising: suppressing (1), primary color signals or complementary color signals obtained from the image pickup element (101), in accordance with the level of luminance signal; and forming color-difference signals (311) by converting the output signals color-suppressed (1) in the color-suppressing step into color-difference signals. Suga et al teaches that the image data output from the image sensor is color suppressed in accordance with the level of luminance in the luminance step correction circuit (1). Furthermore, Suga et al depicts in Figure 11 that the output of the suppression circuit is input to the color-difference signal forming circuit (311).

Allowable Subject Matter

6: Claims 1, 8, 9, 12, 34-43, 49-52, 54-63 and 65 allowed.

7: Claims 46-48 and 66 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or suggest placing a color suppression circuit in front of an RGB

Art Unit: 2612

matrix circuit. Furthermore, the prior art does not teach the use of placing a color suppression circuit between an image pickup element and an interpolation circuit. The prior art further does not teach the suppression circuit can be provided between said color interpolation circuit and said color-difference signal forming circuit.

Conclusion

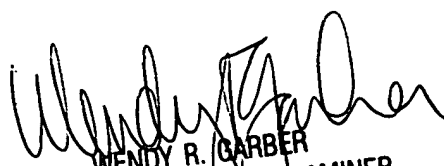
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612

JMH
4/11/2005


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2500